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June 13, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: JMV
DEPUTY

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF TEXAS AUSTIN DIVISION

JANE DOE

Plaintiff,

vs.

MARK A. GIPSON

Defendant.

Civil Action No. 1:23-cv-00463

UNDER SEAL

FILED

June 13, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: JMV
DEPUTY

Motion for Opinion on Copyright Ownership
Regarding Generative AI Art Based on
Reference Images Created by the Artist

Dear Honorable Judge Pitman,

I write to you as a pro se defendant in a matter currently before this Court. I respectfully seek your assistance in establishing a critical legal precedent concerning the burgeoning field of generative Artificial Intelligence (AI) art, specifically in relation to copyright ownership of AI-generated images based on a reference photograph.

As an artist, I am deeply invested in the implications of copyright law for creators in the digital age. Recently, the rise of generative AI technologies has introduced unique challenges to our understanding of copyright ownership. These AI tools can create photo-realistic images based on reference photos provided by an artist. However, our current legal framework does not adequately address whether the original copyright owner retains their rights over these newly generated works.

This omission in our legal understanding presents a significant issue for photographers, artists, and other creative professionals who rely on copyright law to protect their original works. Without clear legal precedent or guidelines, there is potential for misuse of copyrighted materials, thereby undermining the economic and moral rights of artists.

In my case, as a professional photographer, I have utilized AI technology to create new, original works based on my copyrighted photographs. The question of whether I, as the original copyright owner, maintain copyright over these AI-generated images is of utmost importance to the resolution of my case and, indeed, to the broader art community grappling with the implications of AI technology.

I respectfully request that the Court issue an opinion on this matter. It is necessary and timely to establish a legal precedent in this area, given the rapid advancement and widespread adoption of AI technology in the art

world. Furthermore, such an opinion would provide much-needed clarity and guidance for artists navigating the intersection of AI and copyright law.

I am prepared to assist the Court in any way necessary to explore this issue, including providing additional information, examples, expert testimony on AI technology and its applications in art. I trust in the fairness and objectivity of our legal system and believe this Court is well-positioned to address this novel and important legal question.

Thank you for your attention to this matter. I look forward to your consideration and guidance on this critical issue.